

Case 1:17-cv-00777-YK Document 14 Filed 07/21/17 Page 1 of 1



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREGORY S. WINDISH and
FAITH WINDISH,
Plaintiffs

v.

EDWIN W. BEARD, JR. and
WESTERN EXPRESS, INC.,
Defendants

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No. 1:17-cv-777

(Judge Kane)

17

3281

ORDER

AND NOW, on this 21st day of July 2017, having determined that venue is improper in the Middle District of Pennsylvania and proper in the Eastern District of Pennsylvania, **IT IS ORDERED THAT** the above-captioned case is transferred to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1406(a) for further proceedings. The Clerk of Court is directed to close the case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania

CLOSED,HBG,MM

JHS

**United States District Court
Middle District of Pennsylvania (Harrisburg)
CIVIL DOCKET FOR CASE #: 1:17-cv-00777-YK**

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3281

Windish et al v. Beard et al
Assigned to: Honorable Yvette Kane
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 05/02/2017
Date Terminated: 07/21/2017
Jury Demand: Both
Nature of Suit: 350 Motor Vehicle
Jurisdiction: Diversity

Plaintiff

Gregory Windish
and

represented by **Daniel W. Munley**
Munley, Munley & Cartwright, P.C.
The Forum Plaza
227 Penn Avenue
Scranton, PA 18503
570-346-7401
Fax: 570-346-3452
Email: dan@munley.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Faith Windish
his wife

represented by **Daniel W. Munley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Edwin W. Beard, Jr.

represented by **Bradley N. Sprout**
Pion Nerone Girman Winslow & Smith,
P.C.
Payne Shoemaker Bldg
240 N Third Street
10th Floor
Harrisburg, PA 17101
717-737-5833
Email: bsprout@pionlaw.com
ATTORNEY TO BE NOTICED

Stephen E. Geduldig
Pion Nerone Girman Winslow & Smith
PC
Payne Shoemaker Building 10th Floor

240 North Third Street
Harrisburg, PA 17101
(717) 737-5833
Fax: 717-737-5553
Email: sgeduldig@pionlaw.com
ATTORNEY TO BE NOTICED

Defendant**Western Express, Inc.**

represented by **Bradley N. Sprout**
(See above for address)
ATTORNEY TO BE NOTICED

Stephen E. Geduldig
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/02/2017	<u>1</u>	COMPLAINT against Edwin W. Beard, Jr, Western Express, Inc. (Filing fee \$400, Receipt Number 0314-4076416), filed by Gregory Windish, Faith Windish. (Attachments: # <u>1</u> Civil Cover Sheet)(aaa) (Entered: 05/02/2017)
05/02/2017	<u>2</u>	Summons Issued as to Edwin W. Beard, Jr, Western Express, Inc. and provided TO ATTORNEY ELECTRONICALLY VIA ECF for service on Defendant(s) in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure. (NOTICE TO ATTORNEYS RECEIVING THE SUMMONS ELECTRONICALLY: You must print the summons and the attachment when you receive it in your e-mail and serve them with the complaint on all defendants in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure). (Attachments: # <u>1</u> Summons Packet) (aaa) (Entered: 05/02/2017)
05/09/2017	<u>3</u>	Letter addressed to counsel, Re: Case Assignment and Procedures. Signed by Honorable Yvette Kane on 5/9/17. (rw) (Entered: 05/09/2017)
06/14/2017	<u>4</u>	SUMMONS Returned Executed by Gregory Windish, Faith Windish. Edwin W. Beard, Jr served on 5/9/2017, answer due 5/30/2017. (Munley, Daniel) (Entered: 06/14/2017)
06/14/2017	<u>5</u>	SUMMONS Returned Executed by Gregory Windish, Faith Windish. Western Express, Inc. served on 5/5/2017, answer due 5/26/2017. (Munley, Daniel) (Entered: 06/14/2017)
06/15/2017	<u>6</u>	NOTICE of Appearance by Bradley N. Sprout on behalf of All Defendants. (Sprout, Bradley) (Entered: 06/15/2017)
06/15/2017	<u>7</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Edwin W. Beard, Jr, Western Express, Inc.. (Attachments: # <u>1</u> Proposed Order)(Sprout, Bradley) (Entered: 06/15/2017)
06/15/2017	<u>8</u>	NOTICE of Appearance by Stephen E. Geduldig on behalf of Edwin W. Beard, Jr, Western Express, Inc.. (Geduldig, Stephen) (Entered: 06/15/2017)

06/16/2017	<u>9</u>	ORDER - IT IS ORDERED that Defendant's Uncontested Motion <u>7</u> for Extension of Time to Answer is GRANTED. Defendants shall have until June 30, 2017 to file their Answer to Plaintiff's Complaint. Signed by Honorable Yvette Kane on 6/16/17 (rw) (Entered: 06/16/2017)
06/30/2017	<u>10</u>	DISCLOSURE STATEMENT PURSUANT TO FRCP 7.1 by Western Express, Inc.. (Sprout, Bradley) (Entered: 06/30/2017)
06/30/2017	<u>11</u>	<i>Defendants'</i> ANSWER to <u>1</u> Complaint <i>with Affirmative Defenses</i> by Edwin W. Beard, Jr, Western Express, Inc..(Sprout, Bradley) (Entered: 06/30/2017)
07/18/2017	<u>12</u>	ORDER TO SHOW CAUSE - IT IS ORDERED THAT the parties are directed to show cause on or before July 28, 2017 why this action should not be transferred to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1406. Signed by Honorable Yvette Kane on 7/18/17. (rw) (Entered: 07/18/2017)
07/20/2017	<u>13</u>	Letter from Daniel W. Munley to The Hon. Yvette Kane . (Munley, Daniel) (Entered: 07/20/2017)
07/21/2017	<u>14</u>	ORDER TRANSFERRING CASE - IT IS ORDERED THAT the above-captioned case is transferred to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1406(a) for further proceedings. The Clerk of Court is directed to close the case. Signed by Honorable Yvette Kane on 7/21/17. (rw) (Entered: 07/21/2017)

PACER Service Center			
Transaction Receipt			
07/24/2017 10:32:55			
PACER Login:	ue0496:4286791:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:17-cv-00777-YK
Billable Pages:	2	Cost:	0.20

Transfer from the Middle District of PA on 7/21/17

UNITED STATES DISTRICT COURT

JHS

EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of filing in an appropriate calendar.

Address of Plaintiff: 2090 Blue Mountain Parkway, Harrisburg, PA 17112

Address of Defendant: 2573 Dale Ridge Road, Dowelltown, TN 37059; Nashville, TN

Place of Accident, Incident or Transaction: _____

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

Attorney I.D.#

JUL 21 2017

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 7/21/17

Steve Tomas
Attorney-at-Law

Deputy Clerk
Attorney I.D.#

CIV. 609 (5/2012)

JHS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Gregory + Faith Windish

CIVIL ACTION

v.
Edwin W. Beaud, Jr., Western Express, Inc.

NO. **17 3281**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ☒ (X)

7/21/17
Date

Steve Tomas
Attorney-at-law

Deputy Clerk
Attorney for

Telephone

FAX Number

E-Mail Address

JUL 21 2017